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OFFICE OF PETITIONS

In re Application of	:	
Huth et al.	:	
Application No. 10/076,467	:	ON PETITION
Filed: February 15, 2002	:	
Attorney Docket No. 10013443	:	

This is a decision on the petition under 37 CFR 1.137(a) filed November 23, 2004. Upon further review of the record, the petition is being treated as a request to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office action mailed on December 1, 2003. A Notice of Abandonment was mailed on July 28, 2004. Petitioner asserts that a proper response was timely filed; however, the application number in the heading of the response identified application No. "10/067,467" rather than the intended application No. "10/076,467."

The originally filed response was located in the file of application No. 10/067,467. A review of the correspondence indicates that it was received in the United States Patent and Trademark Office (Office) on December 19, 2003, but was not matched with the file due to the incorrect application number.

Under current Office procedure, a response that has an incorrect application number is handled in accordance with MPEP Section 502. If a paper having an incorrect application number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the Notice of Abandonment is hereby withdrawn and the application is returned to pending status.

The petition is **GRANTED**.

No fee is required for a petition to withdraw the holding of abandonment. Therefore, the \$130.00 petition fee will be credited to petitioner's Deposit Account No. 08-2025.

The matter is being referred to Technology Center Art Unit 1754.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

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